

Message Text

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PAGE 01 NASSAU 00094 01 OF 02 212227Z
ACTION SS-25

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-----220011Z 003403 /61
P 212024Z JAN 77
FM AMEMBASSY NASSAU
TO SECSTATE WASHDC PRIORITY 9029

C O N F I D E N T I A L SECTION 1 OF 2 NASSAU 0094

EXDIS

STADIS//////////

E.O. 11652: GDS
TAGS: PLOS, PBOR, BF, US
SUBJ: ADDERLEY PUBLICLY DECLARES GCOB INTENT TO DECLARE
200-MILE ECONOMIC ZONE

REF: A) NASSAU 0069 B) 76 NASSAU 1973 C) 76 STATE 270040
D) STATE 8776 E) 76 STATE 291156 F) NASSAU 1890

1. WELL AHEAD OF EARLY FEBRUARY SCHEDULE PROMISED US
REF A, MINEXTAFF ADDERLEY STATED IN JANUARY 19 MIAMI HERALD
EXCLUSIVE WITH LOCAL REPORTER NICKI KELLY THAT GCOB INTENDS
TO INTRODUCE LEGISLATION NEXT MONTH ESTABLISHING 200-MILE
ECONOMIC ZONE. HE IS ALSO QUOTED BY KELLY AS HAVING
"NO DOUBT THAT THE UNITED STATES AND THE OTHER NATIONS
INVOLVED WILL RECOGNIZE THE CONVENTIONS THAT APPLY WHERE
THERE ARE OVERLAPPING ECONOMIC ZONES." TEXT OF ARTICLE
IN PARA 3 BELOW.

2. WHILE ADDERLEY MAY BE USING "ECONOMIC ZONE" AS A
SYNONYM FOR "FISHING ZONE," WE SERIOUSLY DOUBT IT
GIVEN HIS PAST PRONOUNCEMENTS AND HIS ADVISORS
SOPHISTICATION VIS-A-VIS LOS. IN THIS REGARD MINEXTAFF
CONTRACT ADVISOR DANIEL O'CONNEL, OXFORD UNIVERSITY
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PROFESSOR OF INTERNATIONAL LAW WHO ADVISES GCOB BOTH
ON LOS AND FACILITIES MATTERS, IS CURRENTLY IN NASSAU
AND WE ASSUME THAT BOTH SUBJECTS ARE BEING DISCUSSED
IN DEPTH. MOREOVER, PRIME MINISTER PINDLING HAS BEEN
JUST AS CONSISTENT AS ADDERLEY IN BOTH REFERRING TO AN
"ECONOMIC ZONE" AND OPINING THAT HE SEES NO MAJOR PROBLEMS
IN THIS REGARD WITH U.S. (E.G. REF B). THEY HAVE, OF

COURSE, BEEN GIVEN LITTLE REASON TO EXPECT PROBLEMS, SINCE, IN CONVEYING MESSAGES IN REF C AND D AND F WE ASSURED THEM THAT WE WOULD CONSULT WITH GCOB PRIOR TO PUBLICATION OF ENFORCEMENT BOUNDARIES WITH A VIEW TO RESOLVING THE MATTER ON A MUTUALLY COOPERATIVE BASIS AND THAT WE WOULD NOT UNILATERALLY ANNOUNCE BOUNDARIES WITH BAHAMAS AS WE HAD WITH CANADA. SINCE, HOWEVER, THERE ARE REAL POTENTIAL PROBLEMS IN THE BLAKE PLATEAU AREA STEMMING FROM A LIKELY DIFFERENCE OF OPINION ABOUT NATURAL PROLONGATION AND COASTAL PROPORTIONALITY, GIVEN FACT THAT GCOB MAY BE RELUCTANT TO SEPARATE ISSUE OF FLORIDA STRAITS FROM BLAKE PLATEAU, PLUS PACE OF EVENTS ON THE BAHAMIAN SIDE (O'CONNEL'S VISIT THIS WEEK), WE RECOMMEND THE FOLLOWING STEPS, DESIGNED TO PREVENT HARDENING OF GCOB POSITIONS SURE TO FOLLOW HASTY PUBLIC ACTIONS ON ITS PART. FIRST, EMBASSY SHOULD BE AUTHORIZED TO INFORM GCOB SOONEST THAT THERE ARE POTENTIAL PROBLEMS AND PERHAPS BRIEFLY OUTLINE THOSE PROBLEMS ALONG LINES PARA 9, REF E. WHILE WE WOULD NOT FORECLOSE POSSIBILITY OF USING EQUIDISTANCE APPROACH FOR FLORIDA STRAITS AND NATURAL PROLONGATION APPROACH FOR PLATEAU DEPT SHOULD NOT FORGET ADDERLEY'S LEGALISTIC POINT OF VIEW AND FACT THAT USING EQUIDISTANCE PRINCIPLE ON STRAITS MIGHT PREJUDICE, ON IN GCOB'S VIEW, FORECLOSE US FROM NOT APPLYING IT TO PLATEAU. SECOND, WE SHOULD BE CRYSTAL CLEAR NOW ON WHETHER WE SHOULD URGE THEM TO RESTRICT PROMISED LEGISLATION ANNOUNCEMENT TO FISHERY ZONE AS OPPOSED TO ECONOMIC OR RESOURCES ZONE PENDING BILATERAL DISCUSSIONS OF OUR RESPECTIVE POSITIONS. CONFIDENTIAL

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THIRD, LOS TEAM SHOULD ACCELERATE TIMETABLE FOR BEGINNING THOSE DISCUSSIONS, AS PER PARA 7, REF E. FOURTH AND FINALLY, LOS TEAM SHOULD BE UNDER NO MISAPPREHENSION THAT GCOB OFFICIALS INVOLVED AND PARTICULARLY ADDERLEY, ARE NOT EXTREMELY WELL VERSED ON THESE ISSUES, AND THAT RULING PLP AND INDEED GCOB HAVE A STRONG AND OVERRIDING INTEREST TO RESIST PRESSURES WHICH WOULD RESTRICT OR DIMINISH WHAT THEY CONSIDER TO BE THEIR NATIONAL POLITY. FAILURE TO BE MORE FORTHCOMING NOW BEFORE GCOB GOES PUBLIC AND TO ENGAGE IN TIMELY MEANINGFUL CONSULTATION WILL, WE FEAR, NOT ONLY PREJUDICE OUR LOS INTERESTS BUT STRAIN U-GCOB RELATIONS IN GENERAL.

3. TEXT OF KELLY ARTICLE FOLLOWS: QUOTE

BAHAMAS PLANS TO DECLARE 200-MILE LIMIT

BY NICKI KELLY

NASSAU, BAHAMAS - THE BAHAMIAN GOVERNMENT WILL INTRODUCE LEGISLATION NEXT MONTH ESTABLISHING A 200-MILE ECONOMIC ZONE FOR THE BAHAMAS, ACCORDING TO ATTORNEY GENERAL AND EXTERNAL AFFAIRS MINISTER PAUL ADDERLEY.

THE MOVE, AN INTEGRAL PART OF PRIME MINISTER LYNDEN PINDLING'S FOREIGN POLICY, HAS BEEN HASTENED BY THE U.S. ADOPTION OF A 200-MILE FISHERIES LIMIT EFFECTIVE MARCH 1.

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C O N F I D E N T I A L SECTION 2 OF 2 NASSAU 0094

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ALTHOUGH BAHAMIAN JURISDICTION WILL OVERLAP THAT OF THE UNITED STATES, CUBA, HAITI, THE DOMINICAN REPUBLIC AND THE TURKS AND CAICOS ISLANDS, ADDERLEY ANTICIPATES NO PROBLEMS IN FIXING MEDIAN LINES BETWEEN JURISDICTIONS.

"I HAVE NO DOUBT THAT THE UNITED STATES AND THE OTHER NATIONS INVOLVED WILL RECOGNIZE THE CONVENTIONS THAT APPLY WHERE THERE ARE OVERLAPPING ECONOMIC ZONES," HE SAYS. NOR DOES HE EXPECT THE BAHAMIAN ACTION TO CREATE ANY MORE DIFFICULTIES THAN ALREADY EXIST FROM FOREIGN NATIONALS FISHING WITH THE EXISTING 12-MILE FISHING ZONE.

ADDERLEY ADMITS, HOWEVER, THAT ENFORCEMENT OF THE LAW IS LIKELY TO CONTINUE AS HIS GOVERNMENT'S NUMBER ONE HEADACHE.

THE BAHAMAS DECLARED ITS CONTINENTAL SHELF OFF LIMITS TO FOREIGN LOBSTERMEN 17 MONTHS AGO AND RULED THAT ONLY BAHAMIANS AND BAHAMIAN-OWNED BOATS COULD FISH COMMERCIALY ON THE SHELF OR WITHIN THE 12-MILE EXCLUSIVE FISHERIES ZONE.

THE BAN WAS A HEAVY BLOW TO THE FLORIDA FISHING INDUSTRY
WHICH HAD BEEN HARVESTING SIX MILLION POUNDS OF CRAWFISH
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FROM THE BAHAMA BANKS EACH YEAR. SINCE THAT TIME CUBAN-
AMERICAN CREWS HAVE BEEN APPEARING ABOARD MANY NEWLY REGISTER-
ED BAHAMIAN FISHING BOATS.

THE SUSPICION THAT U.S. INTERESTS MAY STILL BE EXPLOITING
THE COUNTRY'S FISHERIES WAS VOICED BY DEPUTY PRIME MINISTER
ARTHUR HANNA IN HIS 1977 BUDGET ADDRESS. THE GOVERNMENT,
HE SAID, HAD GONE TO A GREAT DEAL OF EXPENSE AND EFFORT
TO SECURE THE INDUSTRY FOR BAHAMIANS ONLY TO HAVE SOME OF
THEM ENGAGE IN A "FRONTING EXERCISE" FOR FOREIGNERS.

LEGAL AUTHORITIES WHO HAVE CHECKED THE DOCUMENTATION SAY
THERE IS NOTHING TO SUGGEST FOREIGN OWNERSHIP OF ANY OF THE
VESSELS.

"BAHAMIANS ARE HIRING CUBAN-AMERICANS AND OTHER NATIONALS
BECAUSE THERE ARE JUST NOT ENOUGH EXPERIENCED LOCAL
FISHERMEN AVAILABLE," ONE TOP GOVERNMENT OFFICIAL EXPLAINED.

IT IS NO SECRET THAT MANY BAHAMIANS ARE REFUSING TO COMPLY
WITH A MINISTRY ORDER THAT ALL CRAWFISH MUST BE PROCESSED
LOCALLY BEFORE EXPORT. WITH THE SUPPLY CUT BACK DRAMATICALLY
BY THE BAN ON FOREIGN FISHERMEN, WHOLESALE PRICES HAVE RISEN
TO A PEAK DOLS 5 PER POUND.

FISHING SOURCES SAY THAT BECAUSE OF THE PROXIMITY OF THE
FISHING GROUNDS TO THE U.S. MARKET, MUCH OF THE CATCH IS
TRANSSHIPPED AT SEA TO SHIPS OUT OF FLORIDA OR FLOWN OUT IN
BULK FROM MANY OF THE ISLANDS, THUS BY-PASSING THE GOVERNMENT'S
THREE CENTS A POUNDS CUSTOMS LOYALTY.

BAHAMIAN POLICE ARE AWARE OF WHAT IS HAPPENING BUT ESTIMATE
IT WOULD TAKE 20 PATROL VESSELS, NOT JUST THE FOUR ON HAND,
TO EFFECTIVELY GUARD THE 100,000 SQUARE MILES OF WATER
SURROUNDING THE ARCHIPELAGO.

THE GROWTH POTENTIAL FOR THE BAHAMIAN FISHING INDUSTRY IS
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IMPRESSIVE. RECENT DATE INDICATES THAT WITH PROPER PROTECTION
THE BAHAMIAN CATCH, NOW AN ANNUAL TWO MILLION POUNDS, COULD
BE INCREASED TO 10 MILLION POUNDS ON A SUSTAINED BASIS.

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